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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/660,948

09/12/2003

Jesse Meyer

T-5979

7015

34014 7590 12/18/2009

CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON, CA 94583-0806

EXAMINER

GOLOBOY, JAMES C

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

12/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/660,948 | Applicant(s) MEYER ET AL. | |
| | Examiner James Goloboy | Art Unit 1797 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/20/09 has been entered.

Claim Rejections - 35 USC § 103

2. Claims 1-22 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchings in view of Harrison and Nicolet.

The rejections of claims 1-22 are adequately set forth in paragraph 8 of the office action mailed 2/2/07, which is incorporated here by reference. Amended claims 24-26 are further rejected over Hutchings, Harrison, and Nicolet as Hutchings teaches in column 5 lines 1-20 the overbasing of a neutralized sulfonate.

3. Claims 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchings in view of Harrison and Nicolet as applied to claims 1-22 above, and further in view of Gragson.

The rejection of claim 23 is adequately set forth in paragraph 9 of the office action mailed 2/2/07, which is incorporated here by reference. Claim 27 contains the same limitation as claim 23.

Response to Arguments

4. Applicant's arguments regarding the rejections of claims 1-23 have been fully considered but they are not persuasive. Applicant argues that the claimed method require two separate steps and two separate base materials. However, the claims only recite one neutralization step. The two claimed steps are a sulfonation step and a neutralization step, both of which are taught by Hutchings. It is also noted that the example in columns 4-5 of Hutchings does include a step of neutralization with barium hydroxide followed by a further overbasing with barium hydroxide with water used as a promoter. Applicant further argues that Harrison and Nicolet are not properly combined with Hutchings. Applicant argues that Harrison does not teach a step of treating the sulfonic acid before neutralization, but this step is taught by Hutchings. Harrison is used to teach specific suitable hydrocarbons, alkaline earth metal hydroxides, and reaction conditions for use in the process of Harrison. Applicant argues that Nicolet does not teach neutralization of the sulfonic acids, but the rejection set forth in the previous office action does not suggest that one of ordinary skill is carrying out the process of Nicolet. Rather, one of ordinary skill in the art is incorporating Nicolet's teaching about the limited storage stability of hydrocarbon sulfonic acids into the process of Hutchings, and therefore performing the neutralization reaction as quickly as possible.

Applicant's arguments regarding claims 24-27 are moot in light of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Goloboy whose telephone number is (571)272-2476. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JCG

/Glenn A Caldarola/
Acting SPE of Art Unit 1797